

**James M. Kinder v. Discover Card Services, Inc.  
Case No. 07-CV-2138-WQH-BLM**

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**U.S. District Court  
Southern District of California (San Diego)  
CIVIL DOCKET FOR CASE #: 3:07-cv-00877-DMS-AJB**

Kinder v. Bankfirst  
Assigned to: Judge Dana M. Sabraw  
Referred to: Magistrate Judge Anthony J. Battaglia  
Cause: 28:1332 Diversity-Petition for Removal

Date Filed: 05/15/2007  
Jury Demand: None  
Nature of Suit: 360 P.I.: Other  
Jurisdiction: Diversity

**Plaintiff**

**James M Kinder, -**

represented by **Chad Austin**  
Law Offices Chad Austin  
4632 Berwick Drive  
Suite L  
San Diego, CA 92117-4230  
(619)992-7100  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**V.**

**Defendant**

**Bankfirst**

represented by **Jonathan Andrews Boynton**  
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**ATTORNEY TO BE NOTICED**

**Defendant**

**DOES**

*1 through 100, inclusive*

*EXHIBIT B*

9

Date Filed	#	Docket Text
05/15/2007	<u>1</u>	NOTICE OF REMOVAL as to James M Kinder from San Diego Superior Court, case number 37-2007-00066491-CU-MC-CTL. (Filing fee \$ 350, Receipt #138199), filed by Bankfirst. T/W Answer. (pdc) (mam). (Entered: 05/16/2007)
05/15/2007		ANSWER to Complaint by Bankfirst.(pdc) (Entered: 05/16/2007)
05/16/2007	<u>4</u>	PRO HAC VICE APPOINTED: Ansis Viksnins appearing for Defendant Bankfirst (jcj) (Entered: 05/22/2007)
05/17/2007	<u>2</u>	NOTICE by Bankfirst <i>AMENDED NOTICE OF REMOVAL OF CIVIL ACTION UNDER 28 USC SECTION 1441(b) (DIVERSITY JURISDICTION)</i> (Boynton, Jonathan) (Entered: 05/17/2007)
05/17/2007	<u>3</u>	Notice and ORDER Regarding Early Neutral Evaluation, set for 6/20/2007 10:00 AM before Magistrate Judge Louisa S Porter. Signed by Judge Louisa S Porter on 05/17/07. (jcj) (Entered: 05/17/2007)
06/08/2007	<u>5</u>	ORDER Rescheduling 06/20/07 Early Neutral Evaluation for 6/22/2007 01:30 PM before Magistrate Judge Louisa S Porter. The conference shall be telephonic, with attorneys only. Signed by Judge Louisa S Porter on 06/08/07. (jcj) (Entered: 06/08/2007)
06/22/2007	<u>7</u>	Minute Entry for proceedings held before Judge Magistrate Louisa S Porter: telephonic Early Neutral Evaluation Conference held on 6/22/2007; Court Order to follow(Tape #POR07-1;1:30-2:00).(Plaintiff Attorney Chad Austin).(Defendant Attorney Lauren E. Butz). (kaj) (Entered: 06/29/2007)
06/25/2007	<u>6</u>	ORDER Regarding Rule 26 Dates and Scheduling Case Management Conference for 8/8/2007 01:30 PM in Courtroom H before Magistrate Judge Louisa S Porter. Rule 26(f) conference shall be completed by 07/19/07. Discovery Plan shall be lodged with chambers by 07/30/07. Initial disclosures shall be made by 08/03/07. Signed by Judge Louisa S Porter on 06/25/07. (jcj) (Entered: 06/26/2007)
08/08/2007	<u>9</u>	Minute Entry for proceedings held before Judge Louisa S Porter : Case Management Conference held on 8/8/2007. Rule 26 dates issued. Order to follow.(Plaintiff Attorney Chad Austin).(Defendant Attorney Jonathan Boynton; Ansis Viksnins). (rfm) (Entered: 08/28/2007)
08/10/2007	<u>8</u>	Scheduling ORDER Regulating Discovery and Other Pretrial Proceedings. Case Management Conference held 08/08/07. Mandatory Settlement Conference set for 11/16/2007 10:00 AM before Magistrate Judge Louisa S Porter. Final Pretrial Conference set for 9/5/2008 10:30 AM in Courtroom 10 before Judge Dana M. Sabraw. Bench Trial set for 10/20/2008 09:00 AM in Courtroom 10 before Judge Dana M. Sabraw. Signed by Judge Louisa S Porter on 08/10/07. (jcj) (Entered: 08/13/2007)
11/16/2007	<u>10</u>	ORDER Following Mandatory Settlement Conference. Signed by Judge Louisa S Porter on 11/16/07. (lao) (Entered: 11/19/2007)

11/16/2007	12	Minute Entry for proceedings held before Judge Louisa S Porter : Mandatory Settlement Conference held on 11/16/2007. Order to follow. (Plaintiff Attorney Chad Austin).(Defendant Attorney Jonathan Boynton). (rfm) (Entered: 11/26/2007)
11/20/2007	11	Minute Order: Magistrate Judge Louisa S Porter recuses from this case and requests another Magistrate Judge be assigned. Magistrate Judge Anthony J. Battaglia randomly assigned. New case number 07cv0877-DMS(AJB). (jsp) (Entered: 11/20/2007)

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**U.S. District Court  
Southern District of California (San Diego)  
CIVIL DOCKET FOR CASE #: 3:07-cv-02049-W-JMA**

Kinder v. Sprint PCS Assets LLC et al  
Assigned to: Judge Thomas J. Whelan  
Referred to: Magistrate Judge Jan M. Adler  
Demand: \$85,000  
Case in other court: San Diego Superior Court, 37-02007-  
00074754-CU-MC-CTL  
Cause: 28:1441 Petition for Removal

Date Filed: 10/26/2007  
Jury Demand: Defendant  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**Plaintiff**

**James M Kinder, -**

represented by **Chad Austin**  
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Email: chadaustin79@hotmail.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**V.**

**Defendant**

**Sprint PCS Assets LLC**

represented by **James J Mittermiller**  
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501 West Broadway  
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San Diego, CA 92101-3598  
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jmittermiller@sheppardmullin.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

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(619)338-6500  
Fax: (619)234-3815  
Email: jdineen@sheppardmullin.com  
**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

**Defendant**

**Sprint PCS License LLC**

represented by **James J Mittermiller**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**John C Dineen**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**DOES**

*1 through 100, inclusive*

Date Filed	#	Docket Text
10/26/2007	<u>1</u>	NOTICE OF REMOVAL as to James M Kinder from San Diego Superior Court, case number 37-2007-00074754-CU-MC-CTL. ( Filing fee \$ 350 Receipt number 143793), filed by Sprint PCS Assets LLC, Sprint PCS License LLC.(pdc)(mam). (Entered: 10/29/2007)
10/26/2007	<u>2</u>	DECLARATION Of Scott W. Andreasen re <u>1</u> Notice of Removal by Defendants Sprint PCS Assets LLC, Sprint PCS License LLC. (mdc) (Entered: 10/30/2007)
10/30/2007	<u>3</u>	CERTIFICATE OF SERVICE by Sprint PCS Assets LLC, Sprint PCS License LLC re <u>2</u> Declaration, <u>1</u> Notice of Removal (Dineen, John) (mdc) (Entered: 10/30/2007)
10/31/2007	<u>4</u>	NOTICE of Appearance by John C Dineen on behalf of Sprint PCS Assets LLC, Sprint PCS License LLC (Attachments: # <u>1</u> Proof of Service)(Dineen, John) (mdc) (Entered: 10/31/2007)
11/02/2007	<u>5</u>	DEMAND for Trial by Jury by Sprint PCS Assets LLC, Sprint PCS License LLC. (Attachments: # <u>1</u> Proof of Service)(Dineen, John) (mdc) (Entered: 11/02/2007)
11/02/2007	<u>6</u>	ANSWER to Complaint by Sprint PCS Assets LLC, Sprint PCS License LLC. (Attachments: # <u>1</u> Proof of Service)(Dineen, John) (mdc) (Entered: 11/02/2007)
11/07/2007	<u>7</u>	NOTICE And ORDER For Early Neutral Evaluation Conference: An Early Neutral Evaluation Conference is set for 12/14/07 at 10:00 AM in the chambers of Magistrate Judge Jan M. Adler. Signed by Magistrate Judge Jan M. Adler on 11/7/07. (mdc) (Entered: 11/07/2007)
11/20/2007	<u>8</u>	CERTIFICATE OF SERVICE by Sprint PCS Assets LLC, Sprint PCS License LLC re <u>1</u> Notice of Removal (Attachments: # <u>1</u> Exhibit A# <u>2</u>

		Exhibit B# 3 Proof of Service)(Dineen, John) (agp). (Entered: 11/20/2007)
12/17/2007	9	ORDER OF RECUSAL. Judge William Q. Hayes recused. Case reassigned to Judge Thomas J. Whelan for all further proceedings(sxd) (Entered: 12/18/2007)

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**U.S. District Court  
 Southern District of California (San Diego)  
 CIVIL DOCKET FOR CASE #: 3:07-cv-02084-DMS-AJB**

Kinder v. Asset Acceptance, LLC et al  
 Assigned to: Judge Dana M. Sabraw  
 Referred to: Magistrate Judge Anthony J. Battaglia  
 Case in other court: San Diego Superior Court, 37-02007-  
 00074112-CU-MC-CTL  
 Cause: 28:1441 Petition for Removal

Date Filed: 10/30/2007  
 Jury Demand: None  
 Nature of Suit: 890 Other Statutory  
 Actions  
 Jurisdiction: Federal Question

**Plaintiff**

**James M Kinder, -**

represented by **Chad Austin**  
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 Email: chadaustin79@hotmail.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**V.**

**Defendant**

**Asset Acceptance, LLC**

represented by **David J Kaminski**  
 Carlson and Messer  
 5959 West Century Boulevard  
 Suite 1214  
 Los Angeles, CA 90045  
 (310)242-2200  
 Fax: (310)242-2222  
 Email: kaminskid@cmtlaw.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**DOES**

*1 through 100, inclusive*

Date Filed	#	Docket Text
10/30/2007	<u>1</u>	NOTICE OF REMOVAL as to Asset Acceptance, LLC from San Diego Superior Court, case number 37-2007-00074112-CU-MC-CTL. ( Filing fee \$ 350 Receipt number 143906), filed by James M Kinder. (t/w complaint)(kmm)(bar ). (Entered: 10/31/2007)



10/30/2007	<u>2</u>	DECLARATION of Robert Horwitz re <u>1</u> Notice of Removal by Defendant Asset Acceptance, LLC. (kmm) (bar ). (Entered: 10/31/2007)
11/08/2007	<u>3</u>	NOTICE by Asset Acceptance, LLC of <i>Related Case, etc.</i> (Kaminski, David) (tkl, ). (Entered: 11/08/2007)
11/13/2007	<u>4</u>	DEFENDANT ANSWER to Complaint by Asset Acceptance, LLC. (Kaminski, David) (jpp, ). (Entered: 11/13/2007)
11/19/2007	<u>5</u>	Report of Clerk and Order of Transfer pursuant to "Low-Number" rule. Case reassigned to Judge Dana M. Sabraw for all further proceedings. Judge M. James Lorenz no longer assigned to case. Signed by Judge M. James Lorenz on 11/16/07. (lao) (Entered: 11/19/2007)
11/28/2007	<u>6</u>	Minute Order: Magistrate Judge Louisa S Porter recuses from this case and requests the case be reassigned to Magistrate Judge Anthony J. Battaglia pursuant to the low number rule. 07cv2084-DMS(POR) is related to 07cv0877-DMS(AJB). Judge Louisa S Porter no longer assigned to case. New case number 07cv2084-DMS(AJB) (jsp) (Entered: 11/28/2007)
11/30/2007	<u>7</u>	AMENDED ANSWER to <i>Complaint</i> by Asset Acceptance, LLC. (Kaminski, David) (lao). (Entered: 11/30/2007)
12/03/2007	<u>8</u>	ORDER Setting ENE. Early Neutral Evaluation Conference set for 1/8/2008 10:00 AM in Courtroom A before Magistrate Judge Anthony J. Battaglia. Signed by Magistrate Judge Anthony J. Battaglia on 12/3/2007. (jah) (Entered: 12/04/2007)
12/14/2007	<u>9</u>	MOTION filed as NOTICE by Asset Acceptance, LLC <i>JOINT MOTION TO REQUEST FOR TELEPHONIC CONFERENCE</i> (Kaminski, David) Modified text on 12/17/2007 (lao). (Entered: 12/14/2007)
12/17/2007	<u>10</u>	ORDER Allowing Parties to Appear Telephonically at Early Neutral Evaluation Conference Scheduled for 1/08/2008 at 10:00 a.m. before Judge Anthony J. Battaglia re <u>9</u> Joint Motion. Signed by Judge Anthony J. Battaglia on 12/17/07. (lao)(bar ). (Entered: 12/17/2007)

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**U.S. District Court  
 Southern District of California (San Diego)  
 CIVIL DOCKET FOR CASE #: 3:07-cv-02091-DMS-AJB**

Kinder v. Astra Business Services Inc  
 Assigned to: Judge Dana M. Sabraw  
 Referred to: Magistrate Judge Anthony J. Battaglia  
 Case in other court: San Diego Superior Court, 37-02007-  
 00073375-CU-MC-CTL  
 Cause: 28:1441 Petition for Removal

Date Filed: 10/31/2007  
 Jury Demand: Defendant  
 Nature of Suit: 890 Other Statutory  
 Actions  
 Jurisdiction: Federal Question

**Plaintiff**

**James M Kinder, -**

represented by **Chad Austin**  
 Law Offices Chad Austin  
 4632 Berwick Drive  
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 (619)992-7100  
 Fax: (619)295-1401  
 Email: chadaustin79@hotmail.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Astra Business Services Inc**

represented by **Mark E Ellis**  
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 Steinheimer  
 555 University Avenue  
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 Sacramento, CA 95825  
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 Email: mellis@ecplslaw.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
10/31/2007	<u>1</u>	NOTICE OF REMOVAL with Jury Demand as to James M Kinder from San Diego Superior Court, case number 37-2007-00073375-CU-MC-CTL. ( Filing fee \$ 350 Receipt number 144301), filed by Astra Business Services Inc.(pdc) Modified on 11/2/2007 to correct filer (pdc). (bar ). (Entered: 11/02/2007)
10/31/2007	<u>2</u>	JURY DEMAND by Astra Business Services Inc. (pdc) (Entered: 11/02/2007)

10/31/2007	<u>3</u>	NOTICE of Party With Financial Interest by Astra Business Services Inc (agp)(bar ). (Entered: 11/02/2007)
10/31/2007	<u>4</u>	NOTICE to Adverse Party of Removal of Action to Federal Court by Astra Business Services Inc (agp)(bar ). (Entered: 11/02/2007)
10/31/2007	<u>5</u>	CERTIFICATE OF SERVICE by Astra Business Services Inc re <u>4</u> Notice to Adverse Party of Removal to Federal Court (agp)(bar). (Entered: 11/02/2007)
11/07/2007	<u>6</u>	ANSWER to Complaint with Jury Demand by Astra Business Services Inc.(Ellis, Mark) Modified on 11/9/2007 - no proof of service, atty contacted (vet, ). (Entered: 11/07/2007)
11/08/2007	<u>7</u>	ORDER that an Early Neutral Evaluation is set for 12/18/2007 at 10:00 AM in Courtroom D before Magistrate Judge Jan M. Adler. Signed by Judge Jan M. Adler on 11/08/07. (agp)(mam). (Entered: 11/08/2007)
11/13/2007	<u>8</u>	PROOF OF SERVICE on Defendant Astra Business Systems, Inc.'s Answer to Plaintiff's Complaint by Astra Business Services Inc.(Ellis, Mark) Modified on 11/14/2007 to correct attorneys docket text (agp). (Entered: 11/13/2007)
12/18/2007	<u>9</u>	Minute Entry for proceedings held before Judge Jan M. Adler : Early Neutral Evaluation Conference held on 12/18/2007(Plaintiff Attorney Chad Austin).(Defendant Attorney June Coleman). (cdc) (Entered: 12/18/2007)
12/18/2007	<u>10</u>	ORDER a telephonic Early Neutral Evaluation Conference was held. A Settlement/Case Management Conference is set for 1/16/2008 at 10:00 AM in Courtroom D before Magistrate Judge Jan M. Adler. Signed by Judge Jan M. Adler on 12/18/07 (agp)(mam ). (Entered: 12/18/2007)
12/18/2007	<u>11</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Dana M. Sabraw and Louisa S Porter for all further proceedings. Judge Marilyn L. Huff and Jan M. Adler no longer assigned to case. Signed by Judge Marilyn L. Huff on 12/13/07. (agp)(bar ). (Entered: 12/19/2007)
12/19/2007	<u>12</u>	Minute Order: The low number order entered 12/19/07 incorrectly assigned this case to Magistrate Judge Louisa S Porter. The low number case 07cv0877-DMS(AJB) is assigned to Magistrate Judge Anthony J. Battaglia. Magistrate Judge Louisa S Porter no longer assigned to case. Magistrate Judge Anthony J. Battaglia assigned to this case pursuant to the low number rule. New case number 07cv2091-DMS(AJB). (jsp) (Entered: 12/19/2007)
12/20/2007	<u>13</u>	ORDER Vacating Settlement/Case Management Conference. It is Hereby ordered that the Settlement/Case Management Conference scheduled for 1/16/2008 before Magistrate Judge Jan M. Adler is Vacated. Signed by Judge Jan M. Adler on 12/20/07. (lao)(bar ). (Entered: 12/20/2007)

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**U.S. District Court  
Southern District of California (San Diego)  
CIVIL DOCKET FOR CASE #: 3:07-cv-02132-DMS-AJB**

Kinder v. Nationwide Recovery Systems, LTD et al  
Assigned to: Judge Dana M. Sabraw  
Referred to: Magistrate Judge Anthony J. Battaglia  
Cause: 28:1441 Petition for Removal

Date Filed: 11/07/2007  
Jury Demand: None  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**Plaintiff**

**James M Kinder**  
*an individual*

represented by **Chad Austin**  
Law Offices Chad Austin  
4632 Berwick Drive  
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Email: chadaustin79@hotmail.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Nationwide Recovery Systems, LTD**

represented by **Debbie P Kirkpatrick**  
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San Diego, CA 92106-5018  
(619)758-1891  
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Email: dpk@sessions-law.biz  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Bryan C Shartle**  
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**ATTORNEY TO BE NOTICED**

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**ATTORNEY TO BE NOTICED**

**Defendant**

**Does 1 through 100, inclusive.**

Date Filed	#	Docket Text
11/07/2007	<u>1</u>	NOTICE OF REMOVAL as to James M Kinder from Superior Court of the State of California, County of San Diego, case number 37-2007-00073158-CU-MC-CTL. ( Filing fee \$ 350 Receipt number 144281), filed by Nationwide Recovery Systems, LTD, Does 1 through 100, inclusive.(knh) (bar). (Entered: 11/08/2007)
11/14/2007	<u>2</u>	ANSWER to Complaint <i>and Affirmative Defenses</i> by Nationwide Recovery Systems, LTD.(Kirkpatrick, Debbie) (agp). (Entered: 11/14/2007)
11/15/2007	<u>3</u>	CERTIFICATE OF SERVICE by Nationwide Recovery Systems, LTD of Notice To Adverse Party of Removal To Federal Court (Kirkpatrick, Debbie) (agp). (Entered: 11/15/2007)
11/15/2007	<u>4</u>	ORDER that an Early Neutral Evaluation is set for 12/20/2007 at 2:00 PM in Courtroom E before Magistrate Judge Cathy Ann Bencivengo. Signed by Judge Cathy Ann Bencivengo on 11/15/07. (agp) (mam). (Entered: 11/15/2007)
11/21/2007	<u>5</u>	PRO HAC VICE APPOINTED: Bryan C Shartle appearing for Defendant Nationwide Recovery Systems, LTD (mkz) (Entered: 11/26/2007)
11/26/2007	<u>6</u>	PRO HAC VICE APPOINTED: David Israel appearing for Defendant Nationwide Recovery Systems, LTD (mkz) (Entered: 11/26/2007)
12/05/2007	<u>7</u>	MOTION for Partial Judgment on the Pleadings by Nationwide Recovery Systems, LTD. (Attachments: # <u>1</u> Memo of Points and Authorities # <u>2</u> Exhibit Exhibit A# <u>3</u> Exhibit Exhibit B)(Kirkpatrick, Debbie). Modified on 12/6/2007 to include in text "partial" (tkl, ). Emailed and contacted atty. Missing signature of Marilyn Winder on proof of service. Atty to re-file proof of service. (Entered: 12/05/2007)
12/07/2007	<u>8</u>	CERTIFICATE OF SERVICE by Nationwide Recovery Systems, LTD re <u>7</u> MOTION for Judgment on the Pleadings (Kirkpatrick, Debbie) (agp, ). (Entered: 12/07/2007)
12/10/2007	<u>9</u>	NOTICE by Nationwide Recovery Systems, LTD of Related Cases (Attachments: # <u>1</u> Proof of Service)(Kirkpatrick, Debbie) (agp, ). (Entered: 12/10/2007)

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12/18/2007	<u>10</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Dana M. Sabraw and Louisa S Porter for all further proceedings. Judge Marilyn L. Huff and Cathy Ann Bencivengo no longer assigned to case. Signed by Judge Marilyn L. Huff on 12/13/07. (agp)(bar ). (Entered: 12/19/2007)
12/19/2007	11	Minute Order: Magistrate Judge Louisa S Porter recused herself from the low numbered case 07cv0877-DMS(AJB) on 11/20/07. This case is transferred to Magistrate Judge Anthony J. Battaglia pursuant to the low number rule. Magistrate Judge Louisa S Porter no longer assigned to case. New case number 07cv2132-DMS(AJB). (jsp) (Entered: 12/19/2007)
12/19/2007	12	Minute Entry for proceedings held before Judge Cathy Ann Bencivengo: ENE Conference set for 12/20/07 is vacated due to order of transfer pursuant to low number [Doc. No. 10]. (aet) (Entered: 12/19/2007)
12/19/2007	<u>13</u>	ORDER Setting Early Neutral Evaluation Conference; Briefing Schedule and Briefing Requirements. Early Neutral Evaluation set for 1/25/2008 10:00 AM in chambers before Magistrate Judge Anthony J. Battaglia. Signed by Judge Anthony J. Battaglia on 12/19/07. (lao) (bar). (Entered: 12/20/2007)
12/26/2007	<u>14</u>	MOTION to Consolidate Cases by Nationwide Recovery Systems, LTD. (Attachments: # <u>1</u> Memo of Points and Authorities In Support of Consolidation# <u>2</u> Proof of Service)(Kirkpatrick, Debbie) (lao). (Entered: 12/26/2007)

PACER Service Center			
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Billable Pages:	2	Cost:	0.16

**U.S. District Court  
 Southern District of California (San Diego)  
 CIVIL DOCKET FOR CASE #: 3:07-cv-02138-WQH-BLM**

Kinder v. Discover Card Services, Inc. et al  
 Assigned to: Judge William Q. Hayes  
 Referred to: Magistrate Judge Barbara Lynn Major  
 Case in other court: San Diego County Superior Court, 37-  
 02007-00076045-CU-MC-CTL  
 Cause: 28:1441 Petition for Removal

Date Filed: 11/07/2007  
 Jury Demand: None  
 Nature of Suit: 890 Other Statutory  
 Actions  
 Jurisdiction: Federal Question

**Plaintiff**

**James M Kinder, -**

represented by **Chad Austin**  
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 4632 Berwick Drive  
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 (619)992-7100  
 Fax: (619)295-1401  
 Email: chadaustin79@hotmail.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Discover Card Services, Inc.**

represented by **Harvey Michael Moore**  
 Bidna and Keys APLC  
 5120 Campus Drive  
 Newport Beach, CA 92660  
 (714)752-7030  
 Fax: (714)752-8770  
 Email:  
 HMOORE@BIDNAKEYS.COM  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Does 1 through 100, inclusive.**

Date Filed	#	Docket Text
11/07/2007	<u>1</u>	NOTICE OF REMOVAL as to James M Kinder from San Diego Superior Court, case number 37-2007-00076045-CU-MC-CTL. ( Filing fee \$ 350 Receipt number 144292), filed by Discover Card Services, Inc. (knh) (mam). (Entered: 11/09/2007)



11/29/2007	<u>2</u>	ANSWER to Complaint <i>For Damages</i> by DFS SERVICES LLC.(Moore, Harvey) Modified on 12/3/07 - Atty e-mailed re missing Certificate of Service. (mdc) (Entered: 11/29/2007)
11/30/2007	<u>3</u>	ORDER signed by Judge Barbara Lynn Major on 11/30/07. Early Neutral Evaluation set for 1/9/2008 at 1:30 p.m. before Magistrate Judge Barbara Lynn Major. (tkl)(bar). (Entered: 11/30/2007)
11/30/2007	<u>4</u>	DOCKETED IN ERROR - ORDER signed by Judge Louisa S Porter on 11/29/07. Early Neutral Evaluation set for 1/22/2008 10:00 AM in Courtroom H before Magistrate Judge Louisa S Porter. (tkl) Modified on 11/30/2007 (tkl, ). Docketed in error. Should be docketed in 07cv2227-WQH(POR)(bar ). (Entered: 11/30/2007)
11/30/2007		NOTICE re notice and order setting ENE Conference <u>4</u> ; docketed in error. Should be docketed in 07cv2227-WQH(POR)(tkl) (Entered: 11/30/2007)
12/06/2007	<u>5</u>	CERTIFICATE OF SERVICE by Discover Card Services, Inc. re <u>2</u> Answer to Complaint <i>by DFS Services LLC, incorrectly named in the complaint as Discover Card Services, Inc.</i> (Moore, Harvey) Modified on 12/10/07 - Atty e-mailed re use of s/ signature format. (mdc) (Entered: 12/06/2007)

PACER Service Center			
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12/31/2007 14:22:49			
PACER Login:	bk0062	Client Code:	
Description:	Docket Report	Search Criteria:	3:07-cv-02138-WQH-BLM
Billable Pages:	1	Cost:	0.08

**U.S. District Court  
Southern District of California (San Diego)  
CIVIL DOCKET FOR CASE #: 3:07-cv-02152-DMS-AJB**

Kinder v. Enhanced Recovery Corporation et al  
Assigned to: Judge Dana M. Sabraw  
Referred to: Magistrate Judge Anthony J. Battaglia  
Case in other court: Superior Court for San Diego County,  
37-02007-00074113  
Cause: 28:1441 Petition for Removal

Date Filed: 11/08/2007  
Jury Demand: None  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**Plaintiff**

**James M Kinder**

represented by **Chad Austin**  
Law Offices Chad Austin  
4632 Berwick Drive  
Suite L  
San Diego, CA 92117-4230  
(619)992-7100  
Fax: (619)295-1401  
Email: chadaustin79@hotmail.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Enhanced Recovery Corporation**

represented by **John Winfield Klein**  
Prenovost Normandin Bergh & Dawh  
APC  
2122 N Broadway  
Suite 200  
Santa Ana, CA 92706  
(714)547-2444  
Fax: (514)835-2889  
Email: jklein@pnbd.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Tom Roddy Normandin**  
Prenovost Normandin Bergh and Dawe  
2122 North Broadway  
Suite 200  
Santa Ana, CA 92706-2614  
(714)547-2444  
Fax: (714)835-2889  
Email: tnormandin@pnbd.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**DOES 1 to 100, inclusive**

Date Filed	#	Docket Text
11/08/2007	<u>1</u>	NOTICE OF REMOVAL as to James M Kinder from Superior Court of the State of California, County of San Diego, case number 37-2007-00074113, ERC. ( Filing fee \$ 350 Receipt number 144333), filed by Enhanced Recovery Corporation.(knh)(bar ). (Entered: 11/09/2007)
11/08/2007	<u>2</u>	NOTICE of Party With Financial Interest by Enhanced Recovery Corporation (knh)(bar). (Entered: 11/09/2007)
11/20/2007	<u>3</u>	Minute Order: Magistrate Judge Louisa S Porter recuses from this case and requests it be reassigned to another Magistrate Judge. Magistrate Judge William McCurine, Jr randomly assigned. New case number 07cv2152-LAB(WMc). (jsp) (Entered: 11/20/2007)
11/27/2007	<u>4</u>	ORDER OF TRANSFER PURSUANT TO LOW NUMBER RULE. Case reassigned to Judge Dana M. Sabraw and Magistrate Judge Anthony J. Battaglia for all further proceedings. Judge Larry Alan Burns, Magistrate Judge William McCurine, Jr no longer assigned to case. Signed by Judge Larry Alan Burns on 11/26/07. (mdc) (Entered: 11/29/2007)
12/12/2007	<u>5</u>	ANSWER to Complaint <i>and Affirmative Defenses</i> by Enhanced Recovery Corporation. (Attachments: # <u>1</u> Certification as to Interested Parties)(Klein, John) (lao). (Entered: 12/12/2007)
12/17/2007	<u>6</u>	ORDER Setting Early Neutral Evaluation Conference; Briefing Schedule and Briefing Requirements. An Early Neutral Evaluation is set for 1/29/2008 10:00 AM in Courtroom A before Magistrate Judge Anthony J. Battaglia. Signed by Judge Anthony J. Battaglia on 12/13/07. (lao) (bar ). (Entered: 12/17/2007)

PACER Service Center			
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12/31/2007 15:03:25			
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Billable Pages:	1	Cost:	0.08

**U.S. District Court  
 Southern District of California (San Diego)  
 CIVIL DOCKET FOR CASE #: 3:07-cv-02226-DMS-AJB**

Kinder v. Harrah's Entertainment, Inc. et al  
 Assigned to: Judge Dana M. Sabraw  
 Referred to: Magistrate Judge Anthony J. Battaglia  
 Demand: \$75,000  
 Case in other court: Superior Court of California, County of San Diego, 37-02007-00076114-CU-  
 Cause: 28:1332 Diversity-(Citizenship)  
 Date Filed: 11/21/2007  
 Jury Demand: Defendant  
 Nature of Suit: 890 Other Statutory Actions  
 Jurisdiction: Federal Question

**Plaintiff**

**James M. Kinder**

represented by **Chad Austin**  
 Law Offices Chad Austin  
 4632 Berwick Drive  
 Suite L  
 San Diego, CA 92117-4230  
 (619)992-7100  
 Fax: (619)295-1401  
 Email: chadaustin79@hotmail.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Harrah's Entertainment, Inc.**

represented by **Ronald R Giusso**  
 Shea Stokes  
 510 Market Street  
 Third Floor  
 San Diego, CA 92101  
 (619)232-4261  
 Fax: (619)232-4840  
 Email: rgiusso@sheastokes.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Does 1 through 100  
 inclusive**

Date Filed	#	Docket Text
11/21/2007	<u>1</u>	NOTICE OF REMOVAL with Jury Demand, from Superior Court of California, County of San Diego, case number 37-2007-00076114-CU-MC-CTL ( Filing fee \$ 350, Receipt number 144755), filed by Harrah's

27

		Entertainment, Inc.(jcj)(mam). (Entered: 11/21/2007)
11/21/2007	<u>2</u>	DECLARATION of Ronald R. Giusso in support of <u>1</u> Notice of Removal, by Defendant Harrah's Entertainment, Inc. (jcj) (Entered: 11/21/2007)
11/21/2007	<u>3</u>	CERTIFICATE OF SERVICE by Harrah's Entertainment, Inc. re <u>1</u> Notice of Removal (agp) (Entered: 11/26/2007)
11/26/2007	<u>4</u>	NOTICE of Party With Financial Interest by Harrah's Entertainment, Inc. re <u>3</u> Certificate of Service, <u>2</u> Declaration, <u>1</u> Notice of Removal (Attachments: # <u>1</u> Proof of Service)(Giusso, Ronald) (agp, ). (Entered: 11/26/2007)
11/30/2007	<u>5</u>	MOTION to Dismiss Pursuant to FRCP Rule 12(b)(2), (6) by Harrah's Entertainment, Inc. (Attachments: # <u>1</u> Memo of Points and Authorities # <u>2</u> Declaration # <u>3</u> Declaration # <u>4</u> Notice of Lodgment # <u>5</u> Proof of Service)(Giusso, Ronald) (agp, ). (Entered: 11/30/2007)
12/14/2007	<u>6</u>	NOTICE by Harrah's Entertainment, Inc. of Response to Nationwide Recovery Systems, Ltd.'s Notice of Related Cases in Southern District Case No. 3:07-CV-02132 H (CAB) (Giusso, Ronald) M (mjj, ) (Entered: 12/14/2007)
12/14/2007	<u>7</u>	NOTICE by Harrah's Entertainment, Inc. of Response to Nationwide Recovery Systems, Ltd.'s Notice of Related Cases (Giusso, Ronald) Modified on 12/18/2007 to more accurately reflect the caption on document (mjj, ) (Entered: 12/14/2007)
12/18/2007	<u>8</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Dana M. Sabraw and Louisa S Porter for all further proceedings. Judge Marilyn L. Huff and Ruben B. Brooks no longer assigned to case. Signed by Judge Marilyn L. Huff on 12/13/07. (agp)(bar ). (Entered: 12/19/2007)
12/19/2007	<u>9</u>	Minute Order: The low number order entered 12/19/07 incorrectly assigned this case to Magistrate Judge Louisa S Porter. The low number case 07cv0877-DMS(AJB) is assigned to Magistrate Judge Anthony J. Battaglia. Magistrate Judge Louisa S Porter no longer assigned to case. Magistrate Judge Anthony J. Battaglia is assigned to this case pursuant to the low number rule. New case number 07cv2226-DMS(AJB). (jsp) (Entered: 12/19/2007)
12/21/2007	<u>10</u>	RESPONSE to Motion re <u>5</u> MOTION to Dismiss Pursuant to FRCP Rule 12(b)(2), (6) MOTION to Dismiss Pursuant to FRCP Rule 12(b)(2), (6) Opposition filed by James M. Kinder. (Attachments: # <u>1</u> Declaration Declaration of Chad Austin in Support of Plaintiff's Opposition to Defendant's Motion to Dismiss# <u>2</u> Notice Notice of Lodgment of Exhibits# <u>3</u> Exhibit Exhibit A# <u>4</u> Exhibit Exhibit B# <u>5</u> Exhibit Exhibit C# <u>6</u> Exhibit Exhibit D# <u>7</u> Exhibit Exhibit E# <u>8</u> Exhibit Exhibit F)(Austin, Chad) (lao). Contacted Attny re Proof of Service (Entered: 12/21/2007)
12/27/2007	<u>11</u>	CERTIFICATE OF SERVICE by James M. Kinder re <u>10</u> Response to Motion,, (Austin, Chad) (lao). (Entered: 12/27/2007)

12/28/2007	<u>12</u>	MOTION to Amend/Correct <i>Complaint</i> by James M. Kinder. (Attachments: # <u>1</u> Memo of Points and Authorities # <u>2</u> Declaration) (Austin, Chad) (Entered: 12/28/2007)
12/28/2007	<u>13</u>	CERTIFICATE OF SERVICE by James M. Kinder re <u>12</u> MOTION to Amend/Correct <i>Complaint</i> (Austin, Chad) (Entered: 12/28/2007)
12/28/2007	<u>14</u>	REPLY re <u>5</u> MOTION to Dismiss <i>Pursuant to FRCP Rule 12(b)(2), (6)</i> MOTION to Dismiss <i>Pursuant to FRCP Rule 12(b)(2), (6)</i> filed by Harrah's Entertainment, Inc.. (Attachments: # (1) Declaration of Ronald R. Giusso# <u>2</u> Objections and Motion Strike Declaration of Chad Austin# <u>3</u> Proof of Service)(Giusso, Ronald) (Entered: 12/28/2007)
12/28/2007	<u>15</u>	REPLY re 14 Reply, <u>5</u> MOTION to Dismiss <i>Pursuant to FRCP Rule 12(b)(2), (6)</i> MOTION to Dismiss <i>Pursuant to FRCP Rule 12(b)(2), (6)</i> Declaration of Ronald R. Giusso filed by Harrah's Entertainment, Inc.. (Giusso, Ronald) (Entered: 12/28/2007)

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Description:	Docket Report	Search Criteria:	3:07-cv-02226-DMS-AJB
Billable Pages:	2	Cost:	0.16

**U.S. District Court  
 Southern District of California (San Diego)  
 CIVIL DOCKET FOR CASE #: 3:07-cv-02274-IEG-WMC**

Kinder v. Cavalry Investments, LLC et al  
 Assigned to: Judge Irma E. Gonzalez  
 Referred to: Magistrate Judge William McCurine, Jr  
 Demand: \$2,000  
 Case in other court: Superior Court of California, County of San Diego, 37-02007-00073301-CU-  
 Cause: 28:1441 Petition for Removal

Date Filed: 12/04/2007  
 Jury Demand: Defendant  
 Nature of Suit: 890 Other Statutory Actions  
 Jurisdiction: Federal Question

**Plaintiff**

**James M. Kinder**

represented by **Chad Austin**  
 Law Offices Chad Austin  
 4632 Berwick Drive  
 Suite L  
 San Diego, CA 92117-4230  
 (619)992-7100  
 Fax: (619)295-1401  
 Email: chadaustin79@hotmail.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Cavalry Investments, LLC**  
*doing business as*  
**Cavalry Portfolio Services**

represented by **June D Coleman**  
 Ellis, Coleman, Poirier, LaVoie &  
 Steinheimer  
 555 University Avenue  
 Suite 200 East  
 Sacramento, CA 95825  
 (916)283-8820  
 Fax: (916)283-8821  
 Email: jcoleman@ecplslaw.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Does 1 through 100**  
*inclusive*

Date Filed	#	Docket Text
12/04/2007	<u>1</u>	NOTICE OF REMOVAL with Jury Demand, from Superior Court of California, County of San Diego, case number 37-2007-00073301-CU-

		MC-CTL ( Filing fee \$ 350, Receipt number 145076), filed by Cavalry Investments, LLC.(jcj) (Entered: 12/05/2007)
12/04/2007	<u>2</u>	DEMAND for Jury Trial by Cavalry Investments, LLC. (jcj) (Entered: 12/05/2007)
12/04/2007	<u>3</u>	NOTICE of Party With Financial Interest by Cavalry Investments, LLC (jcj) (Entered: 12/05/2007)
12/04/2007	<u>4</u>	CERTIFICATE OF SERVICE of Notice to Adverse Party of Removal to Federal Court by Cavalry Investments, LLC (jcj) (Entered: 12/05/2007)
12/11/2007	<u>5</u>	ANSWER to Complaint by Cavalry Investments, LLC.(Coleman, June) (joeh, ). (Entered: 12/11/2007)
12/19/2007	<u>6</u>	NOTICE AND ORDER for ENE Conference. Early Neutral Evaluation Conference set for 1/30/2008 02:00 PM in Courtroom C before Magistrate Judge William McCurine Jr.. Signed by Magistrate Judge William McCurine Jr. on 12/19/2007. (jah) (Entered: 12/19/2007)

PACER Service Center			
Transaction Receipt			
12/31/2007 15:03:54			
PACER Login:	bk0062	Client Code:	
Description:	Docket Report	Search Criteria:	3:07-cv-02274-IEG-WMC
Billable Pages:	1	Cost:	0.08



PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 5120 Campus Drive, Newport Beach, CA 92660.

On January 2, 2008, I served the foregoing document described as: **NOTICE OF MOTION AND MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS; EXHIBIT "A"; EXHIBIT "B"** by placing \_\_\_\_\_ the original X a true copy thereof enclosed in sealed envelopes addressed as follows:

Chad Austin, Esq.  
3129 India Street  
San Diego, CA 92103  
Tel: (619) 297-8888  
Fax: (619) 295-1401  
Counsel for Plaintiff

BY MAIL

☒ As follows: I am "readily familiar" with the firm's practice of practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Newport Beach, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

☐ (VIA OVERNIGHT DELIVERY) As follows: I am "readily familiar" with the firm's practice of practice of collection and processing documents for overnight delivery.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on January 2, 2008, at Newport Beach, California

\_\_\_\_\_  
/s/ Harvey M. Moore  
Harvey M. Moore

PROOF OF SERVICE